

THURSDAY, APRIL 8, 2004

SEVENTY-NINTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Reverend Will Wells of First United Methodist Church in Savannah, Tennessee, a guest of Mr. Speaker Wilder.

PLEDGE OF ALLEGIANCE

Senator Haynes led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 17 with amendment, 2439, 2946, 3091, 3189, 3215 with amendment and 3382; Senate Joint Resolution No. 802; and House Joint Resolution No. 787; also, recommend that Senate Bill No. 823 with amendment be referred to Committee on General Welfare, Health and Human Resources.

HENRY, Chairperson
April 6, 2004

The Speaker announced that he had referred Senate Bills Nos. 17 with amendment, 2439, 2946, 3091, 3189, 3215 with amendment and 3382; Senate Joint Resolution No. 802; and House Joint Resolution No. 787 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 823 with amendment to Committee on General Welfare, Health and Human Resources.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2380 with amendment, 2835 with amendment, 3062 with amendment, 3193 with amendment, 3244 with amendment, 3291 and 3332; and House Joint Resolution No. 1003; also, recommend that Senate Bills Nos. 3198 with amendment and 3417; and Senate Joint Resolution No. 71 be referred to Committee on Finance, Ways and Means.

COHEN, Chairperson
April 6, 2004

The Speaker announced that he had referred Senate Bills Nos. 2380 with amendment, 2835 with amendment, 3062 with amendment, 3193 with amendment, 3244 with amendment, 3291 and 3332; and House Joint Resolution No. 1003 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 3198 with amendment and 3417; and Senate Joint Resolution No. 71 to Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2385 with amendment and 3300 with amendment; also, recommend that Senate Bill No. 2664 with amendments be referred to Committee on Finance, Ways and Means

COOPER, Chairperson
April 6, 2004

The Speaker announced that he had referred Senate Bills Nos. 2385 with amendment and 3300 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2664 with amendments to Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 601 with amendment; also, recommend that Senate Bill No. 2473 with amendments be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson
April 6, 2004

The Speaker announced that he had referred Senate Bill No. 601 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2473 with amendments to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1202 with amendment and 2876 with amendment; and Senate Joint Resolution No. 746; also, recommend that Senate Bills Nos. 2449 with amendment, 2880, 3056, 3099, 3158 and 3222 with amendment be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson
April 7, 2004

The Speaker announced that he had referred Senate Bills Nos. 1202 with amendment and 2876 with amendment; and Senate Joint Resolution No. 746 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2449 with amendment, 2880, 3056, 3099, 3158 and 3222 with amendment to Committee on Finance, Ways and Means.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1591 with amendment, 3047 with amendment, 3177, 3320 with amendment, 3386 with amendment, 3405, 3407, 3408, 3453 and 3459.

FORD, Chairperson
April 7, 2004

The Speaker announced that he had referred Senate Bills Nos. 1591 with amendment, 3047 with amendment, 3177, 3320 with amendment, 3386 with amendment, 3405, 3407, 3408, 3453 and 3459 to Committee on Calendar.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 596, 2113, 2657, 2721, 2865, 3359 and 3360; also, recommend that Senate Bill No. 2606 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson
April 7, 2004

The Speaker announced that he had referred Senate Bills Nos. 596, 2113, 2657, 2721, 2865, 3359 and 3360 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2606 to Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2486, 2487, 2546, 2556 and 2917.

HARPER, Chairperson
April 7, 2004

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Bills Nos. 2486, 2487, 2546, 2556 and 2917 to Committee on Calendar.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3498 by Senator McLeary.

Kenton -- Subject to local approval, changes terms of trustees from two years to staggered terms of four years and increases grade level of school authorized for operation by special district from third grade to fifth grade. Amends Chapter 84 of the Public Acts of 1947; as amended.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2191 -- Highway Signs -- "Raymond Shadden Memorial Highway", U.S. Highway 127 from downtown Crossville to Exit 317 on I-40.

House Bill No. 2225 -- Education, Higher -- Prohibits employment by boards or institutions of higher education for twelve months of non-employee members of presidential search committees. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

House Bill No. 2323 -- Public Contracts -- Adds Hamilton County to current list of counties eligible for a pilot program to reimburse licensed residential homes for the aged if such pilot program is established by the board for licensing health care facilities. Amends TCA Section 12-4-320.

House Bill No. 2883 -- Tennessee Regulatory Authority -- Enacts the "Calling for 2-1-1 Act". Amends TCA Title 65.

House Bill No. 3451 -- Campaigns and Campaign Finance -- Repeals disclosure and notice requirements concerning public inspection of registry of election finance and county election commission records. Repeals TCA Section 2-10-111.

House Bill No. 3453 -- Victims' Rights -- Directs that criminal injury fund compensation shall be payable to certain family members of victims for unreimbursed or unreimbursable mental health counseling or treatment up to \$3,500. Amends TCA Title 29, Chapter 13, Part 1.

House Bill No. 3461 -- Animal Control -- Allows county or city dog pounds discretion to destroy seized dogs after two days rather than requiring the dog's destruction after two days. Amends TCA Section 68-8-109.

House Bill No. 3509 -- State Government -- Exempts certain employees of the Department of Transportation's office of incident management from certain overtime provisions. Amends TCA Section 4-4-105(c).

House Bill No. 3519 -- Taxes, Gasoline, Petroleum Products -- Authorizes Commissioner of Safety to require a permittee or licensee to make gasoline tax, motor fuel tax, or alternative fuel tax payments in cash or by money order, certified check, or cashier's check.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3496 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3497 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 910 by Senator McLeary.
Memorials, Recognition -- Ruritan Club of Pinson, 40th anniversary.

Senate Joint Resolution No. 911 by Senator McLeary.
Memorials, Recognition -- Edward Mitchell.

Senate Joint Resolution No. 912 by Senator Fowler.
Memorials, Sports -- Boyd-Buchanan High School, 2003 TSSAA Class A Football State Championship.

Senate Joint Resolution No. 913 by Senator Graves.
Memorials, Academic Achievement -- Jessica Rae Dickerson, Valedictorian, Greenbrier High School.

Senate Joint Resolution No. 914 by Senator Graves.
Memorials, Academic Achievement -- James Duncan Williams, Jr., Valedictorian, Greenbrier High School.

Senate Joint Resolution No. 915 by Senator Graves.
Memorials, Academic Achievement -- Melissa Dawn Lohman, Salutatorian, Greenbrier High School.

Senate Joint Resolution No. 916 by Senator Graves.
Memorials, Academic Achievement -- Phillip Alan Green, Salutatorian, Greenbrier High School.

Senate Joint Resolution No. 917 by Senator Bryson.
Memorials, Recognition -- Reverend David O. Jones.

Senate Joint Resolution No. 918 by Senator Kyle.
Memorials, Academic Achievement -- Elizabeth Vu, Salutatorian, Treadwell High School.

Senate Joint Resolution No. 919 by Senator Kyle.
Memorials, Academic Achievement -- William Harris, Jr., Valedictorian, Treadwell High School.

Senate Joint Resolution No. 920 by Senator Cooper.
Memorials, Academic Achievement -- Bethany Wheeler, Valedictorian, Sequatchie County High School.

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

Senate Joint Resolution No. 921 by Senator Norris.

Memorials, Recognition -- Mahaffey White.

Senate Joint Resolution No. 922 by Senator Kurita.

Memorials, Retirement -- Peggy Tackett.

Senate Joint Resolution No. 923 by Senator Burks.

Memorials, Academic Achievement -- Kevin Christopher Omoumi, Valedictorian, White County High School.

Senate Joint Resolution No. 924 by Senator Burks.

Memorials, Academic Achievement -- Brittany Elaine King, Salutatorian, White County High School.

Senate Joint Resolution No. 925 by Senator Burks.

Memorials, Academic Achievement -- Dakota Lee Brown, Valedictorian, Upperman High School.

Senate Joint Resolution No. 926 by Senator Burks.

Memorials, Academic Achievement -- Michael Lee Bartlett, Salutatorian, Upperman High School.

Senate Joint Resolution No. 927 by Senator Burks.

Memorials, Academic Achievement -- Heather Nicole Capps, Valedictorian, Pickett County High School.

Senate Joint Resolution No. 928 by Senator Burks.

Memorials, Academic Achievement -- Luke Mason, Salutatorian, Pickett County High School.

Senate Joint Resolution No. 929 by Senator Burks.

Memorials, Academic Achievement -- Candi Cassandra Bachour, Valedictorian, Jackson County High School.

Senate Joint Resolution No. 930 by Senator Burks.

Memorials, Academic Achievement -- Andrew Justin Allen, Salutatorian, Jackson County High School.

Senate Joint Resolution No. 931 by Senator Burks.

Memorials, Academic Achievement -- Heather Lovae Glasgow, Valedictorian, Cookeville High School.

Senate Joint Resolution No. 932 by Senator Burks.

Memorials, Academic Achievement -- Senka Hadzimuratovic, Salutatorian, Cookeville High School.

Senate Joint Resolution No. 933 by Senator Burks.

Memorials, Academic Achievement -- Tyrone Steve Phillips, Valedictorian, Monterey High School.

Senate Joint Resolution No. 934 by Senator Burks.

Memorials, Academic Achievement -- Shalena Irene Parker, Salutatorian, Monterey High School.

Senate Joint Resolution No. 935 by Senator Burks.

Memorials, Academic Achievement -- Savannah Renae DeRossett, Valedictorian, Cumberland County High School.

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

Senate Joint Resolution No. 936 by Senator Kilby.

General Assembly, Studies -- Creates a special joint committee to study assistive technology assistance.

Senate Joint Resolution No. 937 by Senator Kilby.

Memorials, Academic Achievement -- Jessica Michelle Kreis, Salutatorian, Sunbright High School.

Senate Joint Resolution No. 938 by Senator Kilby.

Memorials, Academic Achievement -- Shaina Kristie Kilby, Valedictorian, Sunbright High School.

Senate Resolution No. 171 by Senator Kurita.

Memorials, Academic Achievement -- Tara Daniel, Valedictorian, Rossview High School.

Senate Resolution No. 172 by Senator Kurita.

Memorials, Academic Achievement -- Jennifer Ryan, Salutatorian, Rossview High School.

Senate Resolution No. 173 by Senator Kilby.

Memorials, Academic Achievement -- Sarah Elizabeth Massengale, Valedictorian, Scott High School.

Senate Resolution No. 174 by Senator Kurita.

Memorials, Academic Achievement -- Crissy Deason, Valedictorian, Houston County High School.

Senate Resolution No. 175 by Senator Kurita.

Memorials, Academic Achievement -- Megan Cleghorn, 7th Semester Valedictorian, Houston County High School.

Senate Resolution No. 176 by Senator Kurita.

Memorials, Academic Achievement -- Galilee Jordan Bagwell, Valedictorian, Unity Christian Academy.

Senate Resolution No. 177 by Senator Kurita.

Memorials, Academic Achievement -- Joseph Allen Kennedy, Valedictorian, Northeast High School.

Senate Resolution No. 178 by Senator Kurita.

Memorials, Academic Achievement -- Travis Allen Stanton, Salutatorian, Northeast High School.

Senate Resolution No. 179 by Senator Kurita.

Memorials, Academic Achievement -- Matthew Gannaway, Salutatorian, Unity Christian Academy.

Senate Resolution No. 180 by Senator Kurita.

Memorials, Academic Achievement -- Morgan Falls, Valedictorian, Houston County High School.

Senate Resolution No. 181 by Senator Kurita.

Memorials, Academic Achievement -- Jamie Cary, Valedictorian, Houston County High School.

Senate Resolution No. 182 by Senator Kurita.

Memorials, Academic Achievement -- Dawn Leigh Ann Cobb, 7th Semester Valedictorian, Houston County High School.

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

Senate Resolution No. 183 by Senator Norris.

Memorials, Professional Achievement -- WKBL AM, 50th anniversary.

Senate Resolution No. 184 by Senator Dixon.

Memorials, Academic Achievement -- Francescea M. Davis, Salutatorian, Wooddale High School.

Senate Resolution No. 185 by Senator Dixon.

Memorials, Academic Achievement -- Crystal Vonika, Salutatorian, Westwood High School.

Senate Resolution No. 186 by Senator Dixon.

Memorials, Academic Achievement -- Jessica Guy, Salutatorian, Whitehaven High School.

Senate Resolution No. 187 by Senator Dixon.

Memorials, Academic Achievement -- Andrea Betesh, Valedictorian, Ridgeway High School.

Senate Resolution No. 188 by Senator Dixon.

Memorials, Academic Achievement -- Shirley M. Norman, Valedictorian, Wooddale High School.

Senate Resolution No. 189 by Senator Dixon.

Memorials, Academic Achievement -- Dionne M. Smith, Valedictorian, Westwood High School.

Senate Resolution No. 190 by Senator Dixon.

Memorials, Academic Achievement -- Earl A. Wynne, Valedictorian, Hamilton High School.

Senate Resolution No. 191 by Senator Dixon.

Memorials, Academic Achievement -- Markeenya Gunn, Valedictorian, Whitehaven High School.

Senate Resolution No. 192 by Senator Dixon.

Memorials, Academic Achievement -- Tammy Rayford, Salutatorian, Hamilton High School.

RESOLUTIONS LYING OVER

House Joint Resolution No. 625 -- Highway Signs -- Names portion of U.S. Highway 43 in

Maury County "Purple Heart Highway".

The Speaker announced that he had referred House Joint Resolution No. 625 to Committee on Transportation.

House Joint Resolution No. 1040 -- Memorials, Retirement -- Bill Anderson.

The Speaker announced that he had referred House Joint Resolution No. 1040 to Committee on Calendar.

House Joint Resolution No. 1041 -- Memorials, Congratulations -- Livingston Academy Girls Basketball State Champion Team.

The Speaker announced that he had referred House Joint Resolution No. 1041 to Committee on Calendar.

House Joint Resolution No. 1042 -- Memorials, Congratulations -- Clarkrange High School Girls' Basketball Team, 2004 Class A State Champions.

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

The Speaker announced that he had referred House Joint Resolution No. 1042 to Committee on Calendar.

House Joint Resolution No. 1044 -- Memorials, Professional Achievement -- Charlene Mullins, 50 years of service to Tennessee Technological University.

The Speaker announced that he had referred House Joint Resolution No. 1044 to Committee on Calendar.

House Joint Resolution No. 1045 -- Memorials, Recognition -- Putnam County Red Cross Day, April 24, 2004.

The Speaker announced that he had referred House Joint Resolution No. 1045 to Committee on State and Local Government.

Senate Joint Resolution No. 898 -- Memorials, Academic Achievement -- Tina Barnes, Valedictorian, Faith Missionary Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 898 to Committee on Calendar.

Senate Joint Resolution No. 899 -- Memorials, Academic Achievement -- Felicia Henderson, Salutatorian, Faith Missionary Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 899 to Committee on Calendar.

Senate Joint Resolution No. 900 -- Memorials, Personal Occasion -- Orval Harrison, 90th birthday.

The Speaker announced that he had referred Senate Joint Resolution No. 900 to Committee on Calendar.

Senate Joint Resolution No. 901 -- Memorials, Academic Achievement -- Nathan Lee Sanders, Co-Valedictorian, Grundy County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 901 to Committee on Calendar.

Senate Joint Resolution No. 902 -- Memorials, Academic Achievement -- Dustin Isaiah Ruedling, Co-Valedictorian, Grundy County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 902 to Committee on Calendar.

Senate Joint Resolution No. 903 -- Memorials, Academic Achievement -- Christopher Allen Thomas, Salutatorian, Grundy County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 903 to Committee on Calendar.

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

Senate Joint Resolution No. 904 -- Memorials, Academic Achievement -- Aprele Fitzgerald, Salutatorian, Westmoreland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 904 to Committee on Calendar.

Senate Joint Resolution No. 905 -- Memorials, Academic Achievement -- Patrick Duffer, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 905 to Committee on Calendar.

Senate Joint Resolution No. 906 -- Memorials, Academic Achievement -- Mallory Johnston, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 906 to Committee on Calendar.

Senate Joint Resolution No. 907 -- Memorials, Academic Achievement -- Rachel Graves, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 907 to Committee on Calendar.

Senate Joint Resolution No. 908 -- Memorials, Death -- Helen Moyler Hankins.

The Speaker announced that he had referred Senate Joint Resolution No. 908 to Committee on Calendar.

Senate Joint Resolution No. 909 -- Memorials, Retirement -- Colman B. Woodhall.

The Speaker announced that he had referred Senate Joint Resolution No. 909 to Committee on Calendar.

Senate Resolution No. 161 -- Memorials, Academic Achievement -- Brandon Russell Langley, Valedictorian, Midway High School.

The Speaker announced that he had referred Senate Resolution No. 161 to Committee on Calendar.

Senate Resolution No. 162 -- Memorials, Academic Achievement -- Kristy Nicole Faulkner, Valedictorian, Midway High School.

The Speaker announced that he had referred Senate Resolution No. 162 to Committee on Calendar.

Senate Resolution No. 163 -- Memorials, Academic Achievement -- Ashley Monique Gipson, Valedictorian, Midway High School.

The Speaker announced that he had referred Senate Resolution No. 163 to Committee on Calendar.

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

Senate Resolution No. 164 -- Memorials, Academic Achievement -- Kyrie Jai Settlemyer, Salutatorian, Midway High School.

The Speaker announced that he had referred Senate Resolution No. 164 to Committee on Calendar.

Senate Resolution No. 165 -- Memorials, Academic Achievement -- Emily Kristin Watts, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Resolution No. 165 to Committee on Calendar.

Senate Resolution No. 166 -- Memorials, Academic Achievement -- Andrew Jason Bennett, Valedictorian, Oakdale High School.

The Speaker announced that he had referred Senate Resolution No. 166 to Committee on Calendar.

Senate Resolution No. 167 -- Memorials, Academic Achievement -- Sheila Michelle Bowlin, Salutatorian, Oakdale High School.

The Speaker announced that he had referred Senate Resolution No. 167 to Committee on Calendar.

Senate Resolution No. 168 -- Memorials, Academic Achievement -- Michelle Yvonne Limburg, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Resolution No. 168 to Committee on Calendar.

Senate Resolution No. 169 -- Memorials, Academic Achievement -- Alicia Danielle Chambers, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Resolution No. 169 to Committee on Calendar.

Senate Resolution No. 170 -- Memorials, Academic Achievement -- Brandon Scott Allen, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Resolution No. 170 to Committee on Calendar.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2275, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2813. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3029, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3349, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 1034 -- Memorials, Recognition -- 44th anniversary of Memphis Sit-Ins.

House Joint Resolution No. 1035 -- Memorials, Congratulations -- *The Pulaski Citizen* newspaper, 150th anniversary.

House Joint Resolution No. 1038 -- Memorials, Recognition -- Culleoka FFA Alumni.

House Joint Resolution No. 1039 -- Memorials, Retirement -- Carolyn D. Forster.

Senate Joint Resolution No. 897 -- Memorials, Death -- Ruth Morton Journey Cunningham.

Senate Resolution No. 159 -- Memorials, Academic Achievement -- Jessica Diane Tenpenny, Valedictorian, Academy for Academic Excellence.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, April 12, 2004, pursuant to Rule 38: **Senate Bill No. 2380**.

Senate Bill No. 2115 -- Lottery -- Adds the select committee on the Tennessee Education Lottery Corporation to Education Committees as committees reviewing governor's proposed appropriations for educational programs and purposes prior to final action by the Finance, Ways and Means Committees. Amends TCA Section 4-51-111.

Senate Bill No. 2319 -- Racing and Motor Sports -- Adds McMinn County to present law limiting racing in tourist resort counties to three days a week and prohibiting racing after 11:00 p.m. on week nights with racing hours on Sunday set between noon and 6:00 p.m. Amends TCA Title 55, Chapter 22, Part 1.

Senate Bill No. 2468 -- Sunset Laws -- Board for licensing health care facilities, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11.

Senate Bill No. 2470 -- Sunset Laws -- Child care advisory council, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1.

Senate Bill No. 2490 -- Sunset Laws -- Department of health, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

Senate Bill No. 2946 -- Taxes, Ad Valorem -- Revises archaic terminology concerning assessment of personal property of the severely and persistently mentally ill. Amends TCA Section 67-5-502.

Senate Bill No. 3018 -- Governor -- Changes references from "Tennessee executive residence preservation foundation" to "Tennessee Residence Foundation" in one section of the chapter addressing Executive Residence Preservation. Amends TCA Title 4, Chapter 23.

Senate Bill No. 3291 -- Alcoholic Beverages -- Clarifies that the provisions of law authorizing beer manufacturers to operate as a retailer and hold a restaurant license apply to Pigeon Forge. Amends TCA Section 57-5-101.

Senate Bill No. 3388 -- Private Investigators -- Requires licensees seeking biennial renewal to complete 12 hours of continuing education during the two-year period prior to renewal.

Senate Bill No. 3420 -- Commerce and Insurance, Dept. of -- Allows commissioner discretion to require insurer placed under administrative supervision to pay reasonable costs incurred during the supervision. Amends TCA Title 56, Chapter 9, Part 5.

Senate Bill No. 2325 -- Capitol -- Designates Capitol Hill parking spaces for legislative branch. Amends TCA Title 4, Chapter 8.

Senate Joint Resolution No. 723 -- Memorials, Recognition -- Foster Care Month.

Senate Joint Resolution No. 802 -- Highway Signs -- Names US 322 within Sweetwater city limits the "Billy R. Ridenour Highway".

House Joint Resolution No. 787 -- General Assembly, Statement of Intent or Position -- Expresses support for fair, equitable, and competitive retirement benefits for U.S. Department of Energy Oak Ridge prime contractor employees.

House Joint Resolution No. 1003 -- Naming and Designating -- Establishes Sunday falling during National Fire Prevention Week in October of each year as "Firefighters' Memorial Day" in Tennessee.

Senator Crowe moved that all Senate Joint Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 3483 -- Scotts Hill -- Subject to local approval, repeals the current charter of the Town of Scotts Hill and replaces it with a new charter.

On motion, Senate Bill No. 3483 was made to conform with **House Bill No. 3575**.

On motion, House Bill No. 3575, on same subject, was substituted for Senate Bill No. 3483.

Senate Bill No. 3485 -- Maryville -- Subject to local approval, revises charter to permit adoption of annual or biennial budget. Amends Chapter 27 of the Private Acts of 1967.

On motion, Senate Bill No. 3485 was made to conform with **House Bill No. 3579**.

On motion, House Bill No. 3579, on same subject, was substituted for Senate Bill No. 3485.

Senate Bill No. 3491 -- McMinn County -- Subject to local approval, allows county commission to move probate court jurisdiction from general sessions court to chancery court. Amends Chapter 210 of the Private Acts of 1947; as amended.

On motion, Senate Bill No. 3491 was made to conform with **House Bill No. 3580**.

On motion, House Bill No. 3580, on same subject, was substituted for Senate Bill No. 3491.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 17 -- Taxes, Ad Valorem -- Permits counties or municipalities by resolution to defer collection of portion of property taxes attributable to increase in value due to renovation of older residences. Amends TCA Title 7, Chapter 64.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the caption and by substituting instead the following:

WHEREAS, there is a need to promote rehabilitation of older residential neighborhoods to preserve such areas from becoming blighted, as well as preserving the diversity of housing stock and historic value of communities; and

WHEREAS, this is extremely essential in areas where many properties have been converted to rental units; and

WHEREAS, such an enterprise is a valid public purpose; and

WHEREAS, local governments need flexibility to encourage rehabilitation of such older homes and neighborhoods by being given the authority to create grant programs to carry out such goals; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Older Neighborhood Preservation Act".

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one (1) person who maintains a household or by two (2) or more persons who maintain a common household;

(2) "Older residential neighborhood" means an area where a majority of the residential property was constructed fifty (50) years or more prior to the effective date of this act;

(3) "Owner" means one (1) or more persons, jointly or severally, in whom is vested:

(A) All or part of the legal title to property; or

(B) All or part of the beneficial ownership and a right to the present use and enjoyment of the premises;

(4) "Residential real property" means a building located in an older residential neighborhood consisting of one (1) dwelling unit in which the owner of the real property resides as the owner's principal place of residence.

(5) "Residential rental property" means a building or structure located in an older residential neighborhood containing one (1) or two (2) dwelling units that are rented; and

(6) "Substandard residential rental property" means residential rental property where the dwelling unit or improvements within the dwelling unit, which by reason of dilapidation, obsolescence, faulty arrangement or design, lack of ventilation, light and sanitary facilities, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

SECTION 3. Upon the adoption of a resolution by a two-thirds (2/3) vote of the legislative body, a municipality or county may create a grant program for the revitalization of substandard residential rental property located in an older residential neighborhood and may also create a grant program for the revitalization of residential real property located in an older residential neighborhood.

SECTION 4. The grant programs shall be based on the estimated expense of renovating the property to property which is decent, safe and sanitary and which meets all local building and housing codes concerning fitness for habitation. The resolution establishing the grant program or programs shall at a minimum:

(1) For grants for substandard residential rental property:

(A) Identify the neighborhoods or portions of neighborhoods which contain substandard residential rental property for which a grant program is created; and

(B) Establish the criteria for renovation and rehabilitation of substandard residential rental property;

(2) For grants for the renovation or rehabilitation of residential real property:

(A) Identify the neighborhoods or portions of neighborhoods where a majority of the residential real property is such that the property values of the neighborhood are adversely affected by the condition of the housing stock; and

(B) Establish the criteria for renovation and rehabilitation of such residential real property.

(3) Establish an application and appeal process for such grants; such application process shall require that all owners of the property, or their legal representatives, to which the grant applies sign the grant application;

(4) Determine the maximum amount for a grant under each program;

(5) Set the time period in which the grant shall be used; the programs shall include a mechanism for funds to revert back if funds included in the grant are not expended; and

(6) Develop a system of verification and accounting to ensure that the funds are being accurately utilized to rehabilitate the dwelling unit.

The resolution may establish penalties in addition to those included in Section 7 for failure to utilize grant funds in accordance with the program developed by the municipality or county.

SECTION 5. Before the legislative body adopts such a resolution, the legislative body shall hold a public hearing relating to the proposal after publishing a notice of such public hearing in a newspaper of general circulation in the municipality or county at least two (2) weeks prior to the date of such public hearing. Such notice shall include the time, place and purpose of the public hearing.

SECTION 6. If residential rental property or residential real property lies in more than one (1) taxing jurisdiction which has created a grant program under the provisions of this act, approval for a grant by one jurisdiction does not automatically establish approval for a grant in such other jurisdiction.

SECTION 7. It is theft of property punishable as provided in § 39-14-105 to knowingly fail to utilize grant funds in accordance with the program developed by the municipality or county.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 17**, as amended, passed its third and final consideration by the following vote:

Ayes 30

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 23 -- Public Officials -- Requires that in order to remove public official from office under ouster law for ground of engaging in any form of gambling, gambling engaged in must be illegal gambling. Amends TCA Section 8-47-101.

Senate Bill No. 23 passed its third and final consideration by the following vote:

Ayes 27

Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--27.

Senator voting no was: Henry--1.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 1892** be placed on the calendar for Monday, April 12, 2004, which motion prevailed.

Senator Cooper moved that **Senate Bill No. 2138** be placed on the calendar for Thursday, April 15, 2004, which motion prevailed.

Senate Bill No. 2371 -- Courts, General Sessions -- Makes law applicable to permissive appointment of judicial commissioners applicable statewide except in any county having a metropolitan form of government. Amends TCA Section 40-1-111.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-1-111, is amended by adding the following language as a new subsection (e):

(e)(1) Notwithstanding the provisions of subsection (a) through (d), any county having a population of not less than three hundred seven thousand (307,000) nor more than three hundred eight thousand (308,000), according to the 2000 federal census or any subsequent federal census, may elect to establish judicial commissioners to assist the general sessions court in accordance with the subsection. The county legislative body may appoint one (1) or more attorneys to serve as judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

(i) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in Chapters 5 and 6 of this title;

(ii) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;

(iii) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county;

(iv) Setting and approving bonds and the release on recognizance of defendants in accordance with Chapter 11 of this title; and

(v) Setting bond for the circuit court judges and chancellors in cases involving violations of orders of protection between the hours of nine o'clock p.m. (9:00 p.m.) and seven o'clock a.m. (7:00 a.m.) on weekdays, weekends and holidays and at any other time when the judge or chancellor is unavailable to set such bond.

(2) The term of office for a judicial commissioner shall be established by the county legislative body, but such term shall not exceed four (4) years. A member of the county legislative body is not eligible for appointment as a judicial commissioner.

(3) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Fees established and authorized by § 8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a judicial commissioner.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Crutchfield moved that **Senate Bill No. 2371**, as amended, be placed on the calendar for Monday, April 12, 2004, which motion prevailed.

Senator Haynes moved that **Senate Bill No. 2387** be placed on the calendar for Thursday, April 15, 2004, which motion prevailed.

Senate Bill No. 2439 -- Taxes, Excise -- Exempts diversified investing funds from excise tax. Amends TCA Section 67-4-2008(a).

Senate Bill No. 2439 passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 3091 -- Equalization Board -- Adds legislative intent language concerning assessment of tangible personal property to the Agricultural, Forest, and Open Space Land Act of 1976. Amends TCA Title 67.

Senate Bill No. 3091 passed its third and final consideration by the following vote:

Ayes	28
Noes	3
Present, not voting	1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Senators voting no were: Fowler, Henry and Herron--3.

Senator present and not voting was: Jackson--1.

A motion to reconsider was tabled.

Senate Bill No. 3100 -- Special License Plates -- Authorizes issuance of Eastern Box Turtle new specialty license plate; allocates 50 percent of funds produced from sale thereof to the wildlife resources fund. Amends TCA Title 55.

Senator Haynes moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the caption of the bill and by substituting instead the following:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-9-602(k), is amended by adding the following language as a new subdivision:

(3) Notwithstanding any provision of this subsection to the contrary, if the defendant in a civil action transported children for hire, then evidence of a failure to use a child restraint system, as required by this section, may be admitted in such action as to the causal relationship between non-compliance and the injuries alleged.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3100**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	8
Present, not voting . . .	1

Senators voting aye were: Atchley, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Kilby, Kurita, Kyle, McLeary, McNally, Ramsey, Williams and Mr. Speaker Wilder--21.

Senators voting no were: Bryson, Crowe, Fowler, Ketron, Miller, Person, Southerland and Trail--8.

Senator present and not voting was: Cohen--1.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that **House Bill No. 2162** be recalled from the House, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

CALENDAR

Senate Bill No. 3115 -- Emergency Communications Districts -- Allows board of directors to determine emergency telephone service charge to fund 911 service; increases percentage of revenue from commercial mobile radio service charge that goes to districts from 25 to 40 percent; directs TACIR to study 911 system technology and fee structure. Amends TCA Title 7, Chapter 86.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Tennessee advisory commission on intergovernmental relations is directed to conduct, within existing resources, an expedited, comprehensive study of all aspects of Tennessee's emergency telephone service (911) statutes, including, but not limited to, local emergency communications districts and their respective boards, the state emergency communications board, the provision of enhanced 911 service, and the assessment of emergency telephone service charges upon telecommunications service providers and customers.

SECTION 2. In conducting such study, the Tennessee advisory commission on intergovernmental relations shall specifically examine the funding mechanisms and the adequacy of the funding for local emergency communications districts and their respective boards, as well as the state emergency communications board.

SECTION 3. Such study shall also evaluate the feasibility and necessity of (1) increasing emergency telephone service charges on telephone land lines and wireless telecommunications services and (2) revising the statutory assessment formula for funding emergency telephone services.

SECTION 4. The Tennessee advisory commission on intergovernmental relations shall complete such study relative to emergency telephone service (911) and report its findings and recommendations, including any necessary legislation, to the general assembly no later than February 1, 2005.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3115**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 3189 -- Taxes, Exemption -- Provides sales tax exemption for preservation or rehabilitation of certain historic properties. Amends TCA Title 67, Chapter 4; Title 67, Chapter 5 and Title 67, Chapter 6.

Senate Bill No. 3189 passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 3215 -- Taxes, Exemption -- Exempts from sales and use tax federally owned property brought into Tennessee to be tested or used in testing by a Tennessee business on a temporary basis. Amends TCA Title 67, Chapter 6.

Senator Atchley moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-209, is amended by adding the following language as a new, appropriately designated subsection:

() There is exempt from the tax imposed by this chapter any tangible personal property owned by the United States, or any agency thereof, that is provided to a contractor or subcontractor on a temporary basis for testing pursuant to a contract awarded by the United States, or any agency thereof, to such contractor or subcontractor under the Small Business Innovation Research Program, as that term is defined in 15 U.S.C. §638(e)(4). The exemption provided by this subsection shall apply only to property that is the subject of the test being performed and property into which the subject of the test must be incorporated before the testing can occur. The exemption provided by this subsection shall not apply to any equipment, machinery or other property used to conduct the test.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3215**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 3382 -- Taxes, Gasoline, Petroleum Products -- Authorizes Commissioner of Safety to require a permittee or licensee to make gasoline tax, motor fuel tax, or alternative fuel tax payments in cash or by money order, certified check, or cashier's check.

On motion, Senate Bill No. 3382 was made to conform with **House Bill No. 3519**.

On motion, House Bill No. 3519, on same subject, was substituted for Senate Bill No. 3382.

Thereupon, **House Bill No. 3519** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 2100 -- Physicians and Surgeons -- Exempts certain medical practitioners from continuing education and occupation tax requirements. Amends TCA Title 33; Title 63; Title 67 and Title 68, as amended.

Thereupon, **Senate Bill No. 2100**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 771 -- Salaries and Benefits -- Requires prevailing wage commission to determine prevailing wage annually for building construction instead of biennially; requires calculation for building construction to include fringe benefits. Amends TCA Title 12, Chapter 4, Part 4.

HOUSE AMENDMENT NO. 2

AMEND by deleting the amendatory language "Tennessee Code Annotated, Section 12j-4-405," in Section 1 of Amendment 1 and substituting instead the language "Tennessee Code Annotated, Section 12-4-405,".

Senator Graves moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 771**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1742 -- Private Investigators -- Exempts from licensing and regulation requirements as private investigator, agent of attorney performing duties relating to attorney's practice of law who is acting within scope of agency for attorney and at attorney's direction. Amends TCA Title 62, Chapter 26, Part 2.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-26-223(b), is amended by adding the following language as a new appropriately designated subdivision:

(9) Any student from any college or university who is working as an intern in a public defender's or district attorney's program in the State of Tennessee, who is directly supervised by an attorney-at-law in such public defender's or district attorney's office and who is not compensated for such services;

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

Senator Crutchfield moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1742**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION ____ Tennessee Code Annotated, Section 62-26-223(b)(3)(A)(i), is amended by inserting the language "in good standing and licensed to practice law in the State of Tennessee" after the language "attorney-at-law".

Senator Crutchfield moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1742**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of April 12, 2004, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 12, 2004**

MONDAY -- April 12

5:00 p.m.	Session -- Senate Chamber
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TUESDAY -- April 13

8:30 a.m. -- 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. -- 12:30 p.m.	State & Local Government Committee
12:30 p.m. -- 1:30 p.m.	Lunch
1:30 p.m. -- 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. -- 5:30 p.m.	Judiciary Committee

THURSDAY, APRIL 8, 2004 -- 79TH LEGISLATIVE DAY

WEDNESDAY -- April 14

8:30 a.m. -- 10:00 a.m.	Education Committee
10:00 a.m. -- 11:30 a.m.	General Welfare, Health & Human Resources
11:30 a.m. -- 1:00 p.m.	Government Operations Committee
1:00 p.m. -- 6:00 p.m.	Budget Subcommittee of Finance, Ways & Means Committee
	No Floor Session

THURSDAY -- April 15

9:00 a.m.	Session -- Senate Chamber
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OTHER MEETINGS:

Monday, April 12, 2004 --	Select Oversight Committee on Workers' Compensation 1:30 p.m. -- Room 12/14 LP
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Tuesday, April 13, 2004 --	Commerce, Labor & Agriculture Pre-Meeting 7:30 a.m. -- Third Floor Conference Room WMB
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NOTE: The Environment, Conservation & Tourism Committee and the Transportation Committee will not meet this week.

MOTION

Senator Person moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 896** on the calendar for the Committee on Judiciary for Tuesday, April 13, 2004, which motion prevailed.

MOTION

Senator Harper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 319 and 1170** on the calendar for the Committee on Government Operations for Wednesday, April 14, 2004, which motion prevailed.

MOTION

Senator Cooper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3496** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, April 13, 2004, which motion prevailed.

RECALL OF BILLS

On motion of Mr. Speaker Wilder, **Senate Bills Nos. 2408, 2409 and 2410** were recalled from the Committee on Education.

REFERRALS

Mr. Speaker Wilder moved that Senate Bills Nos. 2408, 2409 and 2410 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

RECALL OF BILLS

On motion of Mr. Speaker Wilder, **Senate Bills Nos. 2721, 2865, 2917, 3359 and 3478** were recalled from the Committee on Calendar.

REFERRALS

Mr. Speaker Wilder moved that Senate Bills Nos. 2721, 2865, 2917, 3359 and 3478 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

MOTION

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 1035**.

On motion of Senator Person, his name was added as sponsor of **Senate Bill No. 3028**.

On motion of Senators McNally and Kilby, their names were added as sponsors of **House Joint Resolution No. 787 and Senate Joint Resolution No. 897**.

On motion of Senator Kyle, his name was added as sponsor of **House Joint Resolutions Nos. 1003 and 1035**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 1003 and 1034**.

On motion of Senator Clabough, his name was added as sponsor of **House Joint Resolution No. 1039**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolution No. 1003**.

On motion of Senator Fowler, his name was added as sponsor of **Senate Bill No. 3215**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Joint Resolution No. 71; House Joint Resolution No. 1038; and Senate Bill No. 3209**.

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 2617**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 3435**.

On motion of Senator Kilby, his name was added as sponsor of **House Joint Resolution No. 787**.

On motion of Senators Graves, Bryson, Kilby, Burks, Kurita, Cooper and Harper, their names were added as sponsors of **Senate Bill No. 17**.

On motion of Senator Cohen, his name was added as sponsor of **Senate Bills Nos. 2138 and 2794; and House Joint Resolution No. 1034**.

On motion of Senator Miller, his name was added as prime sponsor of **Senate Bill No. 2319**.

On motion of Senator Clabough, his name was removed as sponsor of **Senate Bill No. 2319**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 827; Senate Joint Resolution No. 723; and House Joint Resolutions Nos. 1003 and 1034**.

ENGROSSED BILLS

April 8, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 897, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 8, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 17, 23, 2100, 2115, 2319, 2325, 2439, 2468, 2470, 2490, 2946, 3018, 3091, 3100, 3115, 3189, 3215, 3291, 3388 and 3420; and Senate Joint Resolutions Nos. 723 and 802; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2366, 3399, 3459, 3515, 3516, 3519, 3535, 3583 and 3585; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2276, 2340, 2354, 2547, 2553, 2600, 2614, 2683, 2880, 2949, 3083, 3229, 3406 and 3415; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1046, 1048, 1049, 1051, 1052, 1053, 1054 and 1060; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 894, 1056, 1057, 1058 and 1059; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2737, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 560, 2422 and 2684; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3214, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3421, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 722, 885, 888, 889, 890, 891, 893, 894 and 895; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 660, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 8, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 560, 2422, 2684 and 2737; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 8, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 159; and Senate Joint Resolutions Nos. 660, 722, 885, 888, 889, 890, 891, 893, 894 and 895; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2197, 2232, 2900, 3570 and 3581; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 787, 1003, 1034, 1035, 1038 and 1039; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

April 8, 2004

The Speaker announced that he had signed the following: Senate Resolution No. 159; and Senate Joint Resolutions Nos. 660, 722, 885, 888, 889, 890, 891, 893, 894 and 895.

SIGNED

April 8, 2004

The Speaker announced that he had signed the following: House Bills Nos. 2197, 2232, 2900, 3570 and 3581.

SIGNED

April 8, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 560, 2422, 2684 and 2737.

SIGNED

April 8, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 787, 1003, 1034, 1035, 1038 and 1039.

MESSAGE FROM THE HOUSE

April 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2797, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 660, 722, 885, 888, 889, 890, 891, 893, 894 and 895; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1161, 2220, 2598, 2712, 2845, 3167, 3186, 3218, 3223, 3396 and 3448; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 7, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 2797, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 8, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 660, 722, 885, 888, 889, 890, 891, 893, 894 and 895; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 8, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 1161, 2220, 2598, 2712, 2845, 3167, 3186, 3218, 3223, 3396 and 3448; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 7, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 3212, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 8, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 127, 2400, 2469, 2485, 3383 and 3414; and Senate Joint Resolutions Nos. 881 and 884; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 12, 2004: House Joint Resolutions Nos. 1040, 1041, 1042 and 1044; Senate Joint Resolutions Nos. 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908 and 909; and Senate Resolutions Nos. 161, 162, 163, 164, 165, 166, 167, 168, 169 and 170.

This the 8th day of April, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 12, 2004: Senate Bills Nos. 2486, 2487, 2546, 2556, 3405, 3407, 3408, 3453 and 3459.

This the 8th day of April, 2004.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 12, 2004: Senate Bills Nos. 596, 601, 1591, 2092, 2113, 2385, 2835, 2876, 3047, 3062, 3193, 3244, 3320, 3332, 3386, 1892, 2371 and 2380.

This the 8th day of April, 2004.
CROWE, Chairperson.

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, April 12, 2004: House Bill No. 2813; and Senate Bills Nos. 2275, 3029 and 3349.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 5:00 p.m., Monday, April 12, 2004, which motion prevailed.